

### **REMARKS**

Applicant's counsel thanks the Examiner for a very thorough examination of the present application. Applicant also appreciates the indication of allowable subject matter in claims 6-9 and 11.

The claims have been amended, and new claims 13-15 have been added, to more clearly describe the invention. No new matter has been entered. Basis for the claim amendments and new claims 13-15 can be found in the specification and claims as filed.

The Examiner has objected to the drawings for failing to show the "crankcase" as recited in claim 12. Submitted herewith is one marked up copy (changes indicated in red) and one clean copy of an amended Fig. 4, which has been amended to show, schematically, the crankcase 200. A corresponding amendment has been made to the specification at page 9 for consistency between the specification and the drawings. No new matter has been entered. Basis for the drawing change and amendment to the specification is found in claim 12 as filed. The Examiner is respectfully requested to review and approve the requested drawing change, and to substitute the enclosed clean copy of amended Fig. 4 for the corresponding figure in the present application.

The Abstract has also been objected to by the Examiner. The Abstract has now been amended to overcome the Examiner's objections.

The disclosure was objected to for the informality of omitting section headings. The specification has now been amended to incorporate appropriate

section headings in conformity with U.S. practice.

In addition, the specification has been amended at pages 2-4 to replace the term "said" with the term "the" as required by the Examiner.

The Examiner has objected to the specification on the ground that it is unclear "how the flange can be disposed essentially vis-à-vis of the other flange and it is unclear how the flange can be positioned variable along a line." Office action, ¶6. With respect to the vis-à-vis language, the specification has now been amended at page 5 to more clearly explain the relationship between the two described flanges. Specifically, the specification now explains that the "lateral pression dérailleur flange 73 is disposed essentially adjacent flange 72 of the guiding/dérailleur roller 68 such that the chain 24 passes between the flanges 72 and 73 as it rides over the guiding/dérailleur roller 68." This arrangement is clearly shown in the drawing figures, e.g. Figs. 1 and 4, and the substituted language adequately explains the relationship between the flanges 72 and 73.

Regarding the pression flange 73 being variably positioned along a line, the specification explains that the pression flange 73 is positioned "translationally-variable along a line connecting the rotation axis 12 with the rotation axis 71 of the roller 68 so as to be as close as possible to the virtual cone constituted by the pinions." Specification, page 5. Referring to Fig. 1, the flange 73 is shown having an adjustment slot through which an adjustment Allen screw is provided. The adjustment slot is provided along a line that is substantially colinear with a line drawn between the rotational axes 12 and 71 as explained in the specification, such

that the position of the flange 73 can be adjusted along that line to be as close as possible to the virtual cone constituted by the pinions (a-g in Fig. 1).

In view of the above, it is believed that the objections to the specification in ¶6 of the Office action have all been overcome.

The specification has also been objected to for failing to provide proper antecedent basis for various claim elements recited in claims 7, 8 and 9 respectively. The specification has now been correspondingly amended to provide appropriate antecedent basis for the respective elements of these claims. No new matter has been entered; basis can be found in each of these claims as filed.

The claims have been rejected under 35 USC § 112, second paragraph, for indefiniteness and for improper antecedent basis. The claims have now been amended to overcome these rejections. In particular, reference numerals have now been cancelled from the claims in accordance with U.S. practice. Regarding claim 9, the presson flange is translationally variable as explained above with respect to the corresponding description in the specification.

Claim 1 has been rejected under 35 USC § 102(a) as being allegedly anticipated by Oka. Particularly, the Examiner states "Oka discloses a rear derailleur...comprising a rotatable base (2) having a return spring (14) *forcing the base in an anticlockwise direction....*" Office action, ¶13. Respectfully, this is incorrect. Referring to Oka, that reference describes two derailleur assemblies, one characterized as "Prior Art" and depicted in Fig. 1, and the other characterized as the invention therein, depicted in Fig. 2. Referring to the specification of Oka, Oka

explicitly states that the "spring 14 [in the embodiment of Fig. 1] is disposed between the base member 2 and the fixing member 1 for biasing the base member 2 clockwise." Col. 1, lines 21-25. Oka also explicitly states that the "spring 14 [in the embodiment of Fig. 2] is disposed between the base member 2' and the fixing member 1 for biasing the base member 2' clockwise." Col. 2 lines 48-50.

Conversely, claim 1 recites "a rotatable base provided with a return spring forcing said base in an anti-clockwise direction." See claim 1 as amended. This is the opposite of what is disclosed in Oka. In fact, the specification expressly teaches that the body 36 in the present invention is "fetched back in the direction of arrow 40 [counterclockwise] by a spring symbolized at 42, i.e. in a direction inverse to that of known types of *dérailleurs*." See specification, page 4, fourth full paragraph.

Accordingly, it is respectfully submitted that the rejection of claim 1 has been overcome, and that this claim is now in condition for allowance.

Claim 2 has also been rejected under 35 USC § 102(a) as being allegedly anticipated by Oka. Claim 2 recites "a spring forcing the tension arm in the anti-clockwise direction...." Conversely, Oka explicitly discloses that the "spring 13 is disposed between the movable member 5 and the chain guide 6 for biasing the chain guide 6 clockwise" in both of the embodiments, Figs. 1 and 2 of Oka, referred to above. Accordingly, Oka fails to disclose "a spring forcing the tension arm in the anti-clockwise direction" as recited in claim 2, and the rejection of claim 2 is now overcome.

Claim 3 has been rejected under 35 USC § 103(a) as being allegedly obvious over Oka in view of Juy. The Examiner has argued that "Juy discloses a tension arm supported pivotally at the center." Office action, ¶15. However, referring to Juy, specifically to Figs. 1 and 7 thereof, one clearly sees that the tension arm (cheeks 16 and 17 in Juy) **is not supported pivotally at the center** as the Examiner has suggested. Rather, the pivot point (i.e. screw 13 in Fig. 1) is substantially offset from the geometric center of the tension arm. In Juy, the cheeks 16 and 17 are caused to rotate about an offset pivot point, whereas in the present invention the tension arm is caused to rotate about its own central rotational axis. Clearly, the structure in Juy is different than that disclosed in the present invention, and the combination of Juy with Oka does not provide the structure as recited in claim 3 hereof. Accordingly, claim 3 is now believed to be allowable over the cited references.

With respect to new claim 15, that claim recites that the dérailleur device is "located in a vertical position that provides substantially the same or better ground clearance relative to said set of pinions." Basis for this new claim can be found in the specification as filed, page 7, sixth full paragraph. This claim is also believed to be allowable. In all of the cited references, the dérailleur is positioned **below** the rear pinion set, thereby diminishing the ground clearance for the bicycle. This problem is particularly pronounced for off-road and dirt-bicycles, where rocks, sticks and other debris can become lodged or entrained in and foul up the dérailleur mechanism, substantially lessening its efficiency and useful life. Referring to Fig. 1

herein, the dérailleur device of claim 15 is provided having **substantially the same or better** ground clearance as the rear pinion set, providing the maximum possible ground clearance for the bicycle. This limitation is neither disclosed nor suggested in the prior art, and therefore claim 15 is believed to be allowable.

In view of all of the above, it is respectfully submitted that claims 1-3 and 15 are now in condition for allowance. In addition, claims 6-9 and 11 have already been indicated as being allowable by the Examiner. All remaining claims are dependent claims and therefore should also be allowable as such.

Therefore, all claims now being in condition for allowance, early notice to that effect is respectfully requested.

It is noted that Applicant submitted a Supplemental Information Disclosure Statement on June 18, 2001, enclosing an English translation of EP 0 727 348 A1 for the Examiner's consideration in this case. However, Applicant has not yet received the initialed copy of the corresponding PTO-1449 form indicating the reference has been considered. Accordingly, it is respectfully requested that the Examiner initial and return the form PTO-1449 with his next communication to Applicant. A copy of this form PTO-1449 is enclosed herewith for the Examiner's convenience.

Also in the Supplemental IDS filed June 18, 2001, Applicant noted that the form PTO-1449 form enclosed with the prior-filed IDS contained an error in that it mistakenly listed "Huret et al." and "Hetru" in the Country column for references E and G respectively. These two spaces should have read "France." Enclosed is a

Appl. No. 09/763,507  
Amdt. Dated August 28, 2003  
Reply to Office action of June 6, 2003


clean copy of this form PTO-1449 which is identical in all respects to the one already initialed and forwarded by the Examiner, except that "France" now correctly appears in the Country column for references E and G. The Examiner is respectfully requested to please re-initial and enter this copy of the form PTO-1449 to ensure the correct information for references E and G is listed on the cover page of the issued patent in this case.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.33354.

Respectfully submitted,

PEARNE & GORDON LLP

By:   
\_\_\_\_\_  
Steven J. Solomon, Reg. No. 48719

526 Superior Avenue, East  
Suite 1200  
Cleveland, Ohio 44114-1484  
(216) 579-1700

Date: September 2, 2003